

### C. Remarks

The claims are 1-5 and 12-40, with claims 1, 12, 24 and 28 being independent. Reconsideration of the claims is expressly requested.

The Examiner has indicated in the Advisory Action that the amendment to the independent claims, which introduced a proviso specifically excluding the unit of formula (16), introduces a potential new matter issue. However, Applicants respectfully submit that this amendment is in full compliance with 35 U.S.C. § 112, first paragraph.

As stated in M.P.E.P. § 2173.05(i), if alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. *See In re Johnson*, 194 U.S.P.Q. 187, 196 (C.C.P.A. 1977). The co-polymer including one or more units of formula (1) and the unit of formula (16) is explicitly disclosed as an alternative element in original claim 4, as well as in the specification. In particular, this alternative element is disclosed as a co-polymer containing the unit of chemical formula (3) in which  $R_3$  is represented by chemical formula (5), with  $R_5$  being a para-substituted  $CH=CH_2$  group (the para, ortho and meta substitutions on the phenyl ring are also disclosed as alternatives). Thus, clearly, the proviso in the independent claims excluding the co-polymer including one or more units of formula (1) and the unit of formula (16) is in full compliance with the written description requirement.

Thus, Applicants respectfully request that the Examiner reconsider the present claims in view of the arguments presented in the July 24, 2007 Amendment.

As in the July 24, 2007 Amendment, withdrawal of the outstanding rejections and expedient passage of the application to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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